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6 May 1986

**MEMORANDUM FOR:** Director of Central Intelligence

**FROM:** David P. Doherty  
General Counsel

**SUBJECT:** Letter Regarding Unauthorized Disclosure  
of Classified Information

1. Attached for your consideration is an alternate version of the draft response for the President to the letter from Senators Durenberger and Leahy regarding unauthorized disclosures of classified information. This alternate version was prepared at my direction to address certain concerns I have with the OCA draft. Dave Gries suggested this approach in order to save time.

2. Our proposal differs from the OCA version in two primary respects. First, it seeks to make a strong statement about the President's concern with leaks and Executive Branch progress in this area without committing the President to specific positions regarding initiatives that are just now in the planning stages. Second, consistent with the approach of our prior proposed leaks statute, it calls for legislation to address generally the problem of unauthorized disclosures of classified information. The OCA draft proposes legislation which would deal only with leaks of classified intelligence information.

David P. Doherty ✓

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#### Attachment

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**DRAFT PRESIDENTIAL RESPONSE TO 14 APRIL 1986 LETTER**  
**FROM SENATORS DURENBERGER AND LEAHY RE: LEAKS**

I share the deep concern you have expressed in your letter of 14 April 1986 regarding unauthorized disclosures of sensitive intelligence information relating to international terrorism. There is no question that recent disclosures in the news media such as those cited in your letter have seriously jeopardized intelligence sources, human and technical, and created a perception with other governments that information they provide us on a confidential basis cannot remain secret. Indeed, as you noted, loss of intelligence information reduces the options open to us in combating terrorism in ways that may have the gravest possible ramifications.

At the same time, such disclosures are symptomatic of a far broader problem. In recent years, there clearly has been a serious breakdown in discipline on the part of those who have been entrusted with classified information. A number of individuals throughout government have, without authorization and in violation of their obligation to protect classified information, disclosed that information to the media without any apparent regard to the potential harm to the national security caused by such disclosures.

This situation cannot be allowed to continue. Strong steps must be taken now to prevent further unauthorized disclosures of information which has been classified in the interest of national security. The concerned agencies of the Executive Branch have already initiated discussions with the Department of Justice and the FBI to explore every appropriate means of dealing with this problem. Several new initiatives are underway which I feel confident will make great strides towards deterring leaks of classified information. In particular, we are working to increase our ability to investigate serious leaks effectively with a view to both disciplinary action against and criminal prosecution of individuals responsible for unauthorized disclosures. You can be sure that I consider this issue to be of the highest priority.

If we are to conduct a truly successful campaign against leaks, however, I feel strongly that the Legislative Branch must join with the Executive in making a collective statement that the misuse of sensitive information will no longer be tolerated. I believe that this can best be accomplished by enacting legislation that would criminalize the unauthorized disclosure of classified information to those outside the Government who are not authorized to receive it. Under existing criminal laws, individuals may be prosecuted for disclosing certain specific types of sensitive information (e.g., national defense information, agent identities and cryptographic or communications intelligence), or for disclosing classified information to specified categories of persons (agents of foreign governments or members of communist organizations). However, no comprehensive criminal statute addresses generally the problem of

unauthorized disclosures of classified information. New legislation of this type would serve to close the loopholes which characterize current statutes and eliminate any doubt that leaking classified information is not only wrong, but criminal as well.

Accordingly, I hope that you and other concerned Members of Congress will join me in a bipartisan effort to enact legislation to criminalize the unauthorized disclosure of classified information. I have directed the preparation of a draft bill and it will be submitted during this session of Congress for your consideration.

Only by acting together can we confront and effectively deal with the problem of restoring discipline to those who handle classified information. I know I can count on your support.

Sincerely,

Ronald Reagan